TFW 2165

Attorney's Docket No.: 05110-003004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant	: David J. Boothby	Art Unit	: 2165
Serial No.	: 09/240,563	Examiner	: Neveen Abel Jalil
Filed	: January 29, 1999	Conf. No.	: 7489
Title	: SYNCHRONIZATION OF DISPARATE DATABASES		

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REPLY TO ACTION OF FEBRUARY 2, 2006

The examiner has objected to the information disclosure statements filed on August 12, 2004, August 27, 2004, and January 1, 2005. Current PTO practice does not require a concise explanation of the relevance of English language prior art submissions. The examiner refers to 37 CFR 1.98(a)(3), but this rule only requires a concise explanation of relevance if the reference is not in the English language. We understand the examiner's concern that the volume of prior art submitted is large, but we cannot avoid submitting this prior art, as it represents prior art submitted by an adversary of the assignee in litigation involving related patents owned by the assignee (litigation has been settled). Given that the art has been asserted to be relevant in litigation involving a related patent, it seems unavoidable that it be brought to the attention of the patent examiner. MPEP 2004, item 13 contemplates that it may sometimes be necessary to submit a long list of documents, as the MPEP says "it is desirable to avoid the submission of long list of documents if it can be avoided." In point of fact, it cannot be avoided in the present circumstances.

CERTIFICATE OF MAILING BY FIRST CLASS MAIL

I hereby certify under 37 CFR §1.8(a) that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated below and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

July 31, 2006
Date of Deposit

Maureen Christiano
Signature

Maureen Christiano
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The examiner has rejected the two independent claims (22, 23) under 35 USC 102(e) as being anticipated by Woodhill (US 5649196). The examiner is urged to reconsider and withdraw the rejection.

The invention of claims 22, 23 concerns "synchronizing the data records of a plurality of disparate databases [at least first and second databases]". Synchronizing requires a two-way process, in which both the first and second databases are updated (both claims call for "updating the first and second database"). In the claimed synchronization, changes or deletions in each database are taken into account, and both databases are updated.

Woodhill has to do with backup rather than synchronization. Backup is a one-way process in which changes to an active copy of a file are made in the backup copy. There is never two-way updating in a backup process, for that would require that changes in the backup copy be made in the active copy -- something never done in a backup system.

Furthermore, Woodhill does not teach operations that compare the data records of two databases as called for in the claims. Woodhill is concerned with backing up files. Some of the files backed up may, in fact, be database files, but there is no examination of the data records of the database file being backed up. Woodhill does sometimes break up files into fixed size pieces (e.g., granules) during a comparison step, but such fixed size pieces do not correspond to the data records of a database.

Accordingly, claims 22, 23 are in condition for allowance.

The remaining claims are all properly dependent on one or more of the independent claims, and thus allowable therewith. Each of the dependent claims adds one or more further limitations that enhance patentability, but those limitations are not presently relied upon. For that reason, and not because applicants agree with the examiner, no rebuttal is offered to the examiner's reasons for rejecting the dependent claims.

Allowance of the application is requested.

Please apply any other charges or credits to deposit account 06-1050.

Respectfully submitted,

Date: 21 July 2006

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